

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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INFINITE MASTER MAGNETIC, aka Jesse
Jerome Pointer,

Plaintiff,

v.

JUDGE TOGGLIOTTI, et al.,

Defendants.

Case No. 2:16-cv-0638-JCM-PAL

**REPORT OF FINDINGS AND
RECOMMENDATION**

This matter is before the Court on Plaintiff Infinite Master Magnetic, “physically held as” Jesse Jerome Pointer’s failure to comply with the Court’s Order (Dkt. #7). This proceeding is referred to the undersigned pursuant to 28 U.S.C. § 636(b)(1)(B) and LR IB 1-4 of the Local Rules of Practice.

Plaintiff is proceeding in this action *pro se*. He submitted a Complaint ((Dkt. #1-1) as part of his initiating documents, but did not pay the \$400.00 filing fee or submit an application to proceed *in forma pauperis* (“IFP”). See Order (Dkt. #4). The court therefore ordered Plaintiff to complete an IFP application and submit the form to the court on or before April 28, 2016. *Id.* On April 8, Plaintiff filed his first IFP application (Dkt. #5) and a second IFP application (Dkt. #6) on April 11, 2016. These applications were essentially identical and lacked required information.

The Court could not determine whether Plaintiff qualified to proceed *in forma pauperis* (“IFP”). On April 27, 2016, the Court entered an Order (Dkt. #7) denying Plaintiff’s IFP Application without prejudice, directing the Clerk’s Office to mail Plaintiff a new IFP application, and allowing Plaintiff to file a completed IFP application or pay the \$400.00 filing fee on or before May 25, 2016. *Id.* The Order warned Plaintiff that a failure to file a completed IFP application would result in a recommendation to the District Judge that this case be


1 dismissed. Plaintiff has not filed a completed IFP application, requested an extension of time, or
2 taken any other action to prosecute this case.

3 Accordingly,

4 **IT IS RECOMMENDED** that this action be DISMISSED without prejudice to the
5 Plaintiff's ability to commence a new action in which he either pays the appropriate filing fee in
6 full or submits a completed application to proceed *in forma pauperis*.

7 **IT IS FURTHER RECOMMENDED** that the Clerk of the Court be instructed to close
8 this case and enter judgment accordingly.

9 DATED this 13th day of June, 2016.

10 
11 PEGGY A. LEEN
UNITED STATES MAGISTRATE JUDGE

12 **NOTICE**

13 This Report of Findings and Recommendation is submitted to the assigned District Judge
14 pursuant to 28 U.S.C. § 636(b)(1) and is not immediately appealable to the Court of Appeals for
15 the Ninth Circuit. Any notice of appeal to the Ninth Circuit should not be filed until entry of the
16 district court's judgment. *See* Fed. R. App. Pro. 4(a)(1). Pursuant to LR IB 3-2(a) of the Local
17 Rules of Practice, any party wishing to object to a magistrate judge's findings and
18 recommendations of shall file and serve *specific written objections*, together with points and
19 authorities in support of those objections, within 14 days of the date of service. *See also* 28
20 U.S.C. § 636(b)(1); Fed. R. Civ. Pro. 6, 72. The document should be captioned "Objections to
21 Magistrate Judge's Report of Findings and Recommendation," and it is subject to the page
22 limitations found in LR 7-3(b). The parties are advised that failure to file objections within the
23 specified time may result in the district court's acceptance of this Report of Findings and
24 Recommendation without further review. *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121
25 (9th Cir. 2003). In addition, failure to file timely objections to any factual determinations by a
26 magistrate judge may be considered a waiver of a party's right to appellate review of the findings
27 of fact in an order or judgment entered pursuant to the recommendation. *See Martinez v. Ylst*,
28 951 F.2d 1153, 1156 (9th Cir. 1991); Fed. R. Civ. Pro. 72.